

1904-005 Chancery Causes: John W. Green & vs. Nathan Green &
Lee Co.

Phipps

1 Plat

CA-Estate Dispute
T-Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of
Lee County, Virginia:

Humbly complaining your Complainants, John W. Green and Dora L. Phipps, would respectfully represent and show unto your honor that they, each, own a one-third interest in a tract of land situated in Lee County Virginia about eight miles West of Jonesville, containing about 140 acres more or less and bounded by the lands of Con Kinser A.C. Ely, James M. Baily dec. Susan Ely, and Calvin Carroll and others,

Your Complaint alleges that John W. Green is the Joint owner of one-third of said tract of land; that Dora L. Phipps is owner of one-third, and that Nathan Green, Dora E. Green, and Florence Green are jointly the owners of the other one-third of said tract of land; that the same has never been divided; that it should be divided into three equal parts, and one-third in value assigned to John W. Green, one-third assigned to Dora L. Phipps and one-third assigned to Nathan Dora E. and Florence Green; that the last named three are infants under the age of twenty one years.

Your Complainant John W. Green alleges that he has made permanent improvements on a part of said tract of land where he now resides, has built the dwelling house in which he now lives, and if the portion of said land on which he has built can be assigned to him without prejudice to the other parties interested, he prays that the same may be done.

The prayer therefore of your Complainants are that the said Nathan Green, Dora E. Green and Florence Green, be made parties defendant to this bill and answer the same but not on oath that being waived; that a proper Guardian ad litem be assigned to defend for the infant defendants; that Commissioners be appointed to partition the aforesaid described tract of land among the the parties entitled thereto, and that one-third, each be assigned to your Complainants and one-third of said tract be assigned to the infant defendants; and your Complainants pray for all other and further relief generally that the nature of their case may require, and they will ever pray, &c.

M. G. Ely P.Q.

Plaintiffs Costs

Munsey Clerk	5.14
Tax	1.50
Ewing Clerk	3.34
Sheriff	1.50
Atty	15.00
G. A. L.	5.00
Comrs { to Elliott	6.00
to Carroll	2.80
B. F. Sargent	2.80
	<u>\$43.08</u>

John W. Green and others
vs. Billie Chaucery

Nathan Green and others

1903. 2nd June rules Bill
filed Ans Isaudrian
Ord litem filed & D. N.
" 1st July rules held the
last Monday in June
D. N. Confirmed Cause
set for hearing

In the Circuit Court for the County of Lee,
to wit:

THE ANSWER OF Arthur Green, Sara E. Green and Florence
Green

infants ^{and} under the age of twenty-one years, by Robt H. Pennington
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by John W. Green and others.

The respondent s, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of tender
years, and by reason of such disability are incapable of understanding, or of taking care of their
rights and interests, they therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with their reasonable costs,
in this behalf expended; and they will ever pray, &c.

Robt H. Pennington Guardian *ad litem*.

p. d.

J. W. Green & co
Arthur Green } ss.

This day, Robt H. Pennington, whose name is signed to
the foregoing answer, personally appeared before me, A. B. Munsey Clerk
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 22nd day of June 1903 1899

A. B. Munsey Clerk

Mathon Crum et al

adv. {

ANSWER
OF
INFANT DEFENDANT.

J. M. Crum et al -

*Filed June 22nd 1903,
A. B. Munsey Clerk*

Guardian Ad Litem fee \$5.00

John W.Green & Dora Phipps, Plaintiffs,

Against)

In Chancery.

Nathan, Dora E. & Florence Green, Defendants.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of Commissioners C.C.Elliott, B.F.Sergeant, and Calvin Carroll, filed February 5th'1904, partitioning the lands described in said bill, and was argued by counsel.

On consideration of which, said report being filed more than ten days, and being unexcepted to, the said report of said Commissioners is approved and confirmed, and it is further ordered and decreed that the defendants Nathan, Dora E. and Florence Green, take and hold in fee-simple Lots No.1 & 2, as described in said report and plat filed there with, and that John W.Green take and hold ^{in fee simple} Lot No.3, and that the Children and heirs at-law of Dora L.Phipps take and hold, in fee- simple Lot No. 4, subject to the life estate of her husband C.C.Phipps, and said report in all matters is confirmed, and the Court doth further decree that the parties in interest pay the costs of this suit in proportion to their interest in said land, that is John W. Green one third of the cost, the Children and heirs at law of Dora L.Phipps one-third, and the infant defendants one-third, for which execution may issue in favor of the Officers of the Court, when taxed by the Clerk, and the parties in interest may have the decree appointing the Commissioners, in this cause, the report of Commissioners and plat therewith, and decree confirming same recorded in the Clerks office, where deeds are recorded and indexed, and nothing further remaining to be done, this cause is stricken from the docket.

John W. Green and others
vs. Decree Final,
Nathan Green and others
Eu. C. B. No 7, p. 392.

Enter this

H. A. W. Green

Feb. 16th 1904 -

John W. Green, and others, Plaintiffs,
Against) In Chancery,
Nathan Green, and others, Defendants,

This cause came on this day to be heard upon the bill of Complainants, the answer of the infant defendants, duly sworn to by their Guardian ad litem, and general replication thereto and was argued by Counsel:

On consideration of which it is adjudged ordered, and decreed that C.C. Elliott, Calvin Carroll, and B.F. Sargent, be appointed, commissioners, who after being duly sworn, will go on the lands described in said bill and taking into consideration quantity, quality, water and timber, will partition the said lands among those entitled there to. They will divide the same into three parcels, they will lay off and assign to John W. Green one-third of said land, including the house where he now lives if they can do so without doing any injustice to the other parties in interest, they will lay off and assign to Dora L. Phipps one-third, including the dwelling house where she now lives, if the same can be done without injustice to the other parties in interest, and they will lay off and assign to the infant defendants, Nathan Florence and Dora E. Green, jointly the other one third, taking every thing into consideration as aforesaid, and they will report to Court and the Cause is continued.

John W. Green and others,
vs. { Deere.

Mathew Green and others,

Ent. CoB. No 7. P. 30 7.

(Record this first) on
Seed Book

Enter this

H. A. W. Stuen

July 6th 1903.

To The Honorable H. A. W. Skeen, Judge of The Circuit Court of Lee County Va. In pursuance of an Order from your Honors Court dated July the 6th 1903

In the cause styled John W. Green and others Plaintiffs v. Nathan Green et al. Defendants

We the undersigned Commissioners appointed by your Honor to go upon lands in the bill mentioned, and lay off to the parties their interest in said lands After being sworn Proceeded on the 3rd day of February 1904. To comply with said Order and beg leave to report as follows: We surveyed the entire tract and give its metes and bounds which is as follows. We began at figure 1. a Stake on A. C. Elys line S 65 $\frac{1}{2}$ W 221 poles crossing the Cumberland Gap Road and with another road to a Black oak. Thence S 25 $\frac{1}{4}$ E 104 poles to a White oak Kinross corner and with his line N 87 E 122 poles to a Stake. N 2 E 148 poles to a Stake in the edge of the Cumberland Gap Road Thence with the said road N 82 $\frac{1}{2}$ E 18 poles N 53 E 16 poles to a Stake N 4 $\frac{1}{2}$ W 21 $\frac{3}{4}$ poles to the Beginning containing 129 Acres more or less,

We have layed off to the Infant heirs and defendants Lots No 1 and 2. No 1 is designated by the figures 1. 7. 4. 5 dotted line and small letter a. and is ~~and is~~ bounded as follows. Beginning at one a Stake on A. C. Elys line S 65 $\frac{1}{2}$ W 53 poles to the Main Road ^{at a} and with same S 49 $\frac{3}{4}$ E 24 poles with dotted line to 5.

old corner $N 82\frac{1}{2}^{\circ} E 18$ poles to figure 6. $N 53^{\circ} E 14$ poles to figure 7. Thence leaving said Road $N 41\frac{1}{2}^{\circ} W 21\frac{1}{2}$ poles to the Beginning containing $5\frac{1}{2}$ acres more or less. We then layed off to the said Defendant Infant heirs another lot marked Lot No 2 and is designated by the figures and small letter b.c. 3.4.

Beginning at b. a Stake $S 67\frac{3}{4}^{\circ} W 141$ poles to a Stake in old line at c. $S 25\frac{1}{4}^{\circ} E 20$ poles to a Whiteoak at 3. Kinross corner Thence with Kinross line $N 87^{\circ} E 122$ poles to a Stake at 4. $N 2^{\circ} E 64\frac{1}{2}$ poles to the Beginning containing $34\frac{1}{4}$ acres more or less, whole amount assigned to said Infant heirs 40 acres. We have layed off to John W. Green

Lot No 3. and designated by the figure 5 and small letters b.c.d.e.f.g. Beginning on a Stake on the South side of the Main Road at 5. $N 2^{\circ} W 81\frac{1}{2}$ poles to b. a corner to Lot No 2 and with $S 67\frac{3}{4}^{\circ} W 141$ poles to c. a Stake $N 25\frac{1}{4}^{\circ} W 24$ poles with the old line to d. a Stake Thence $N 64\frac{1}{2}^{\circ} E 125$ poles to e. a Stone on the South bank of a sink hole. $N 2^{\circ} E 40$ poles to f. a Stake in the pond. $N 112\frac{1}{4}^{\circ} W 23$ poles to g. a Stone in old line Thence with the same, $N 65\frac{1}{2}^{\circ} E 29$ poles to a. at the Main Road $S 49\frac{1}{2}^{\circ} E 24$ poles with the dotted line to the Beginning containing $38\frac{1}{2}$ acres more or less.

^{subject to her husband's life estate, C.C. Phipps Lot No 4}
We have layed off to Dora L. Phipps - heirs ^{She} Dora L. Phipps having died since the issuing of the Order. The following lot or land which is designated by the figure 2. and small letters a. b. c. d. e. f. g. h. i. j. k. l. m. n. o. p. q. r. s. t. u. v. w. x. y. z. Beginning on a Blackoak, at figure 2. $S 25\frac{1}{4}^{\circ} E 40$ poles to d. corner to Lot No 3. and with same

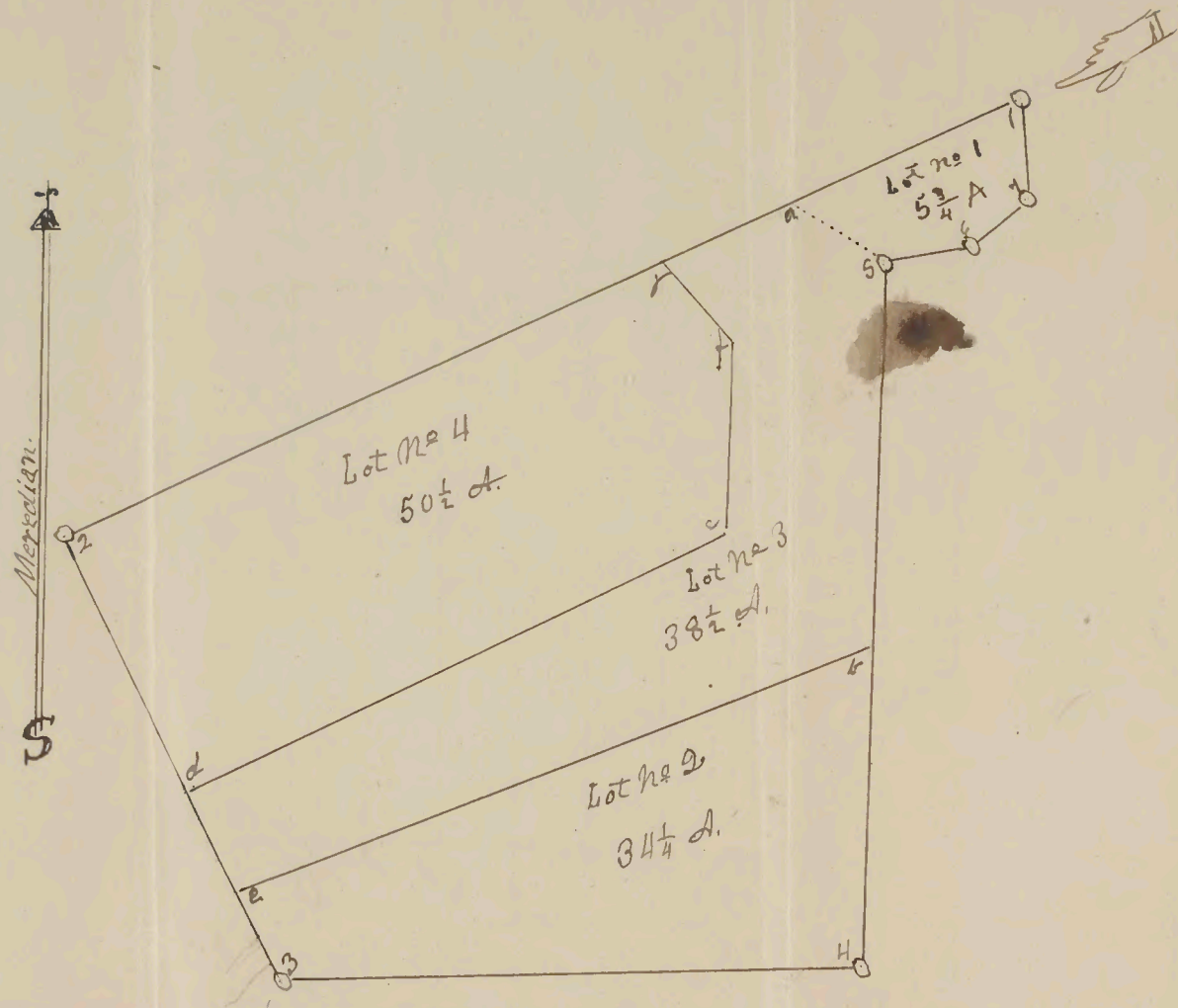
N $64\frac{1}{2}^{\circ}$ E 125 poles To a Stone on the Side of a Sink hole. at g.
 N 2° E 40 poles To a Stake in the Pond at f, N $42\frac{1}{2}^{\circ}$ W 23 poles
 To a Stone in old line at g. Thence with old line and lane
 S $65\frac{1}{2}^{\circ}$ W 139 poles To the Beginning containing 50 acres
 more or less. We give a passway along the line from E.
 To G, for the benefit of heirs owning lots No 1. and 2.
 All of the heirs is to have a right To the Cave spring
 which is on lot No 1. Provided they use their right
 peaceably in decently. One half acre of land is
 reserved for the Grave yard.

We file a Platt herewith Making it a part
 of our report. All of which is respectfully
 Submitted

L. L. Elliott
 Calvin Carroll.
 B. J. Sargent

Fees.

L. L. E. Survey? \$6.00
 C. Carroll 2.00
 B. J. Sargent 2.00
 \$11.00



J. W. Green and others
vs. } Commissioners Report
of Partition.

Nathan Green and others

Filed Feb. 5th 1904.

H. C. T. Ewing Clk.

Record this 2nd on D.B.
and Deem at Feb'y
Term 3rd.

Recorded in D.B. No. 41 page 302

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Nathan Green, Dora E. Green,*
and Florence Green

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *June* 190*3*,

to answer to a bill in chancery, exhibited against *Thems* in our said Court by
John M. Green and Dora L. Phipps

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *4th* day of *June* 190*3* and in the
12 7th year of the Commonwealth.

A. B. Munsey Clerk

vs.

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**SUBPŒNA
IN
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p. q.

To.....*Rules*

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And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *4th* day of *June* 190*3* and in the
12^{*7th*} year of the Commonwealth.

A copy

Teste: A B Munsey Clerk

A B Munsey Clerk

vs.

}

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p. q.

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A copy

A. B. Munsey Clerk

Teste: A. B. Munsey Clerk

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A. B. Munsey Clerk

John M. Green et al

vs. }

SUBPENA

IN

CHANCERY.

Nathan Green et al

M. G. Ely p. q.

To 2nd June Rules

1903, Lee Circuit Court.

not Executed not
paid. This 6/9th 1903.
W. C. Smith D.D.
for W. J. McPherson.
J. L. C.